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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/790,219	03/02/2004	Shinichi Yotsuya	113812.01	9853	
25944	25944 7590 01/12/2005		EXAMINER		
OLIFF & BERRIDGE, PLC			EVERHART	EVERHART, CARIDAD	
P.O. BOX 199	928				
ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER	
			2825	-	
			DATE MAILED: 01/12/2009	DATE MAILED: 01/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederline's of time may be available under the powders of 37 CPR 1.736(s). In no event, however, may a neply be timely filled Ederline's of time may be available under the powders of 37 CPR 1.736(s). In no event, however, may a neply be timely filled If the period for reply appelled above is less than thinly (30) days, a neply within the statutory minimum of thinly (30) days will be considered timely. If No period for reply appelled above is less than thinly (30) days, a neply within the statutory minimum of the property of the period for reply will, by a developing by and will expise 150 (9) MONTHS from the mailing date of this communication. Fallable to reply within the said or outdraded pendo for reply will, by a statuto, acuse the application to become ABANCONED (58 U.S. 5, 13.5). and the period patient form adjustment. See 37 CPR 1.704(b). Status 1) ☑ Responsive to communication(s) filled on 27 October 2004. 2a) ☑ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1.42 is/are pending in the application. 4a) Ø the above claim(s) ☐ is/are withdrawn from consideration. 5 ☑ Claim(s) 1.19 and 2.24 ois/are allowed. 6) ☑ Claim(s) 20.21.41 and 42 is/are rejected. 7 ☐ Claim(s) 1.19 and 2.24 ois/are allowed. 6) ☑ Claim(s) 1.19 and 2.24 ois/are allowed. 6) ☑ Claim(s) 3.19 is/are objected to by the Examiner. 9 ☐ The specification is objected to by the Examiner. 10 ☐ The drawing(s) filled on ☐ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objecte		Application No.	Applicant(s)					
Caridad M. Everhart 2825 -The MALLING DATE of this communication appears on the cover sheet with the correspondence address - Poriod for Roply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (30) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (80) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (80) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, a reply within the statutory maintain of thirty (80) days will be considered timely. If the period for reply spondied above is less than thirty (80) days, and the statutory of the maintain of the statutory of the maintain of the statutory of the statutory of the maintain of the statutory of the s		10/790,219	YOTSUYA, SHINICHI					
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THE MAILING DATE OF THIS COMMUNICATION. Extractions of the may be validable under the provisions of 3 CPR 1.13(6). In no event, however, may a raply be timely filed after 5tk (6) MONTHS from the mailing date of this communication. Part of the communication of the provision of	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
1 Responsive to communication(s) filed on 27 October 2004. 2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-12 is/are pending in the application. 4a Of the above claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
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Application/Control Number: 10/790,219

Art Unit: 2825

Response to Arguments

Applicant's arguments filed 10-27-2004 have been fully considered but they are not persuasive with respect to claims 20,21,41, and 42. Applicant's arguments are respectfully found not to be persuasive with respect to claims 20, 21, 41, and 42 because these claims do not recite device limitations, and the claims upon which they depend recite the process step of depositing a film, so that it is believed that the devices in the prior art which was applied can reject these claims, since any electroluminescent device which has a deposited layer reads on claims 20, 21, 41, and 42. These claims are product by process claims, and because the process steps of forming a film of material is taught by the prior art, the device produced in the prior art reads on the above claims. Product-by-process steps are not limited to the manipulations recited in the steps; only the structure implied by the steps(MPEP 2113).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20,21,41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walpole, et al. (US 5,099,910) in view of the admitted prior art. The reasons are as stated in the Office Action of 7- 2004 and as argued above.

Allowable Subject Matter

Claims 1-19, and 22-40 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

C. Everhart 1-8-2005

CARIDAD EVERHART PRIMARY EXAMINED